

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JS, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JIMMIE F. SHIELDS,

Respondent-Appellant.

UNPUBLISHED

May 29, 2001

No. 230314

Genesee Circuit Court

Family Division

LC No. 99-110970-NA

Before: Neff, P.J., and Fitzgerald, and Markey, JJ.

MEMORANDUM.

Respondent-appellant appeals by right the trial court's order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(h); MSA 27.3178(598.19b)(3)(h). We affirm.

The court's factual findings were supported by the evidence and, thus, were not clearly erroneous. *In re Vasquez*, 199 Mich App 44, 51; 501 NW2d 231 (1993); see, also, MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the trial court did not clearly err in finding that at least one statutory ground was established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 350, 352, 356-357; 612 NW2d 407 (2000). Because of respondent's incarceration well exceeding two years, he is unable to provide a proper environment for the child, and there is no reasonable expectation that he will be able to provide proper care within a reasonable time considering the child's age. Although respondent contends that he provided proper care for the child by proposing that the child live with his father until his release from prison, this placement is not in the child's best interests. The child is unfamiliar with her grandfather and his home in Georgia, which is away from her siblings and her relatives in Michigan on whom she has come to rely. Although respondent also asserts that he has provided proper care of the child by proposing placement with either one of two aunts where the child has lived before, this assertion is without merit because one of the aunts refused to provide future care for the child because of circumstances that respondent himself created, and the other aunt will only provide future care for the child if she can adopt the child. Further, the evidence

did not establish that termination was clearly not in the child's best interests. *Id.* at 354, 357. The trial court did not err in terminating respondent-appellant's parental rights to the child.

We affirm.

/s/ Janet T. Neff
/s/ E. Thomas Fitzgerald
/s/ Jane E. Markey